

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAQUENTIN BANKS,

Plaintiff,

v.

DAVID MAHONEY,

Defendant.

ORDER

Case No. 18-cv-52-wmc

On February 20, 2019, the court dismissed plaintiff LaQuentin Banks' claim in this lawsuit with prejudice for failure to prosecute. (Dkt. #40.) The court reasoned that even though Judge Crocker issued an order on January 14, 2019, explaining that Banks would need to comply with defendant's request for a properly executed medical record disclosure from to avoid dismissal of his claim for failure to prosecute, Banks failed to do so, nor had he taken other action suggesting he was continuing to prosecute his claim. However, on February 25, 2019, the court received a letter from Banks (dated February 20), in which he wrote that when defendants took his deposition, he asked questions about the medical record disclosure form but did not sign it at the time. (Dkt. #42.) Construing this letter as a motion to reopen this lawsuit, the court requested a response from defendant. Having reviewed that response, the court is denying his request.

Defendant explains that on January 10, 2019, defense counsel deposed Banks. Counsel offered him multiple opportunities to sign the authorization form but declined to do so at the close of the deposition, stating that he would need to review the authorizations before signing them. (Dkt. #43 at 2.) However, defendant's counsel further represented that since his deposition, Banks still has not provided a signed authorization form. While

perhaps this filing would normally give rise to a factual dispute, since receiving defendant's response, Banks has not clarified nor disagreed with defendant's characterization of his statements. More importantly, Banks has not indicated that he has turned over a properly executed medical record disclosure form. As such, Banks still has not complied with the court's order and there is no basis to reopen this matter.

ORDER

IT IS ORDERED that plaintiff LaQuentin Banks' request to reopen this matter (dkt. #42) is DENIED.

Entered this 13th day of March, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge